

**PLANNING BOARD
TOWN OF MARILLA**

Date: April 21, 2005

Present: Debbie Zimmerman, Chairman Barbara Spanitz, Town Board
Nathan Barnard, Co-Chairman Robert Miller, Consult
Dan Handy John Fronczek, CEO
Rich Janiga
Paul Domanowski
Tom Wantuck

Absent: Judy Gillman

Guests: Donald Menge, Warren Handley, Edward Riedel, Mark Botticello, John Boyle, Bob & Maryann Breidenstein, David Dare, Tina Niespodzinski

- I. Debbie Zimmerman, Chairman, opened the Planning Board meeting at 7:03p.m.
- II. **MOTION** to accept March minutes by Dan Handy, seconded by Tom Wantuck. All in favor – 6 ayes.
- III. Old Business

Bob Miller discussed that on March 29 the Town Board had a hearing on the moratorium on flag lots which was approved for six months. The Town Board would like to meet with the Planning Board on June 16. Attorney Nathan Neill can also attend this meeting. This would be to discuss flag lots and subdivisions. NYS law states subdivision is a division of any parcel of land into a number of lots, blocks or sites as specified by the local ordinance. This does not state how many lots.

Discussion took place regarding the definition of a flag lot. Tom Wantuck suggested changing access road to access way.

Flag lot: An approved lot having less lot frontage for the access way or private drive than otherwise normally required for the zoned district, but in no instances less than 30 feet in lot frontage, that provides access to the interior portion of the flag lot which contains the minimum lot area requirements for said district. The access portion of the flag lot shall not be considered buildable and may not be used in calculation of the minimum lot area requirements or in determining required setbacks in relation to the property line and the front of the dwelling for the zoned district.

Dan Handy moved for adoption as amended and seconded by Nathan Barnard. All in favor – roll call vote -- 6 ayes.

Rich Janiga asked what our mission is. Councilman Barbara Spanitz responded the Town Board wants flag lots to be defined along with specifications as to how many flag lots are allowed. Rich Janiga responded as to where we feel flag lots might be appropriate. There is confusion on when we divide two lots every five years.

List to Discuss:

Do we want flag lots and when are they appropriate?

Prime farmland

How many flag lots per original parcel?

Distance between flag lots

Length of lot for fire protection, should a “sprinkler system” be needed?

We need to decide if we want to add to original per deed which means you cannot make another split after five years on flag lots. One building parcel per driveway or two building parcels for one driveway. Two flag lots per original tax parcel.

Bob Miller stated the flag lot provisions should not be used as a way to circumvent the subdivision regulations. The town does have a comprehensive plan stating where subdivisions should be which is in the rural residential district. Subdivision regulations need to apply because of water, sewer, traffic, etc., which may not come under flag lot regulations.

Rich Janiga feels we do not need the prime farmland definition.

In May the Planning Board will go over all their information they have gathered and then will meet with the Town Board on June 16.

Bob Miller handed out a copy of Section 180-8 from the Marilla Code Book defining subdivision. Bob Miller feels that these sections are causing confusion and need to be clarified. A discussion took place. It was noted that Attorney Nathan Neill may be needed to help with this. Bob Miller said he will research this definition further. Fred Specht will also help with research regarding the time period. Rich Janiga suggested pulling the old code book out. John Fronczek feels it was a town law that was passed to tighten up the splitting of parcels.

IV. New Business

Realtor John Boyle spoke representing Richard Rohl regarding approximately 60 acres of land on Two Rod and Clinton. They would like to zone this property for business. A survey map was submitted. Dan Handy suggested a buffer zone for the existing houses. John Fronczek stated that the town does have restrictions as to which businesses are allowed. The Planning Board will discuss this matter further.

V. CEO Report

John Fronczek stated that Mr. Gerhardt brought in a detailed survey of the property regarding the location of the buildings and the horse stable. The town is waiting for the DEC regarding the driveway crossing the wetlands.

VI. Town Board Report

Barbara Spanitz stated the Gerhardt horse stable was approved based on receiving all the proper papers. The Town Board would like to attend the June Planning Board meeting.

VII. Open Presentations from the Floor

Mark Botticello of 2822 Two Rod Road lives near the 22 acre horse farm on the corner of Jamison and Two Rod Road which was recently purchased by CBL Snyder. Mr. Botticello wanted to know if Mr. Snyder can build two homes on this property. As the law is stated now he can build two homes.

MaryAnn Breidenstein of 1554 Greenwood Terrace spoke regarding her concern over flag lots.

Mark Botticello feels he will not be able to get the value for his home if someone builds two houses behind him. He feels it is ruining his property value.

David Dare of 1506 Greenwood Terrace stated his concern of having a subdivision built next to him.

Don Menge of 1586 Greenwood Terrace stated his concern of having a subdivision built behind him.

Ed Riedel of 1602 Greenwood Terrace passed a sheet out to everyone summarizing the last few meetings he has attended with some suggestions. Mr. Riedel feels before someone splits off land they should have to notify the town by filling out a form, he feels 16 new homes a year is too much, he feels land will be exhausted by development, and we may need to expand the schools.

Mark Botticello asked why can't a flag lot be one house instead of two.

John Fronczek stated flag lots usually are lots that could never be used.

MaryAnn Breidenstein questioned the building of a subdivision on agricultural land. Rich Janiga stated it is not allowed and the individual would have to apply to the town for a rezone to RR.

Warren Handley asked if a building permit was applied for on Bullis Road. John Fronczek stated no. Warren Handley asked if Lippert got a flag lot on Bullis and Four Rod Road. John Fronczek stated no.

Chairman Debbie Zimmerman thanked everyone for coming to the meeting. Nathan Barnard stated we are discussing what we want to do with the moratorium and the flag lots. The Planning Board then will discuss this issue with the Town Board.

Bob Miller responded to the question regarding size of lots. Each individual town has its own zoning. The Town of Marilla does have a comprehensive plan. The town may want to look at the comprehensive plan and see if it is still valid for the goals and visions for the town.

Rich Janiga stated that the residents of Greenwood Terrace might want to create a Homeowners Association and approach Mr. Schmidt to negotiate a development rate purchase from him and purchase development rights to this property.

Chairman Debbie Zimmerman stated we received the CAB minutes.

VI. **MOTION** to adjourn at 9:25 p.m. Rich Janiga moved, seconded by Dan Handy, all in favor 6/0.

Respectfully submitted,

Laura Nuttle, Clerk